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SEP 14 1999

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September 13, 1999

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, S. W.
Washington, DC 20554

In the Matter of: Common Carrier Bureau
Seeks Comment On The Public Service
Commission of Wisconsin's Petition for
Delegation of Additional Authority To
Implement Number Conservation Measures
NSD File No. L-99-64; DA 99-1606;
CC Docket No. 96-98

Dear Ms. Salas:

Enclosed please find an original and four copies of Comments of the Pennsylvania Office of Consumer Advocate in the above-referenced matter. Please also note that these Comments have been filed with the Commission electronically.

Please indicate your receipt of this filing on the additional copy provided and return it to the undersigned in the enclosed self-addressed, postage prepaid, envelope. Thank you.

Sincerely yours,

Joel H. Cheskis
Assistant Consumer Advocate

Enclosure

cc: Al McCloud, Network Services Division

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

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In the Matter of :
:
Common Carrier Bureau Seeks Comment On :
The Public Service Commission of Wisconsin's :
Petition for Delegation of Additional Authority :
To Implement Number Conservation Measures :

NSD File No. L-99-64

DA 99-1606

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**COMMENTS OF THE
PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE**

I. Introduction

The Pennsylvania Office of Consumer Advocate ("OCA") hereby submits these Comments in support of the Public Service Commission of Wisconsin's Petition for Delegation of Additional Authority To Implement Number Conservation Measures ("Wisconsin Petition") as submitted to the Federal Communications Commission ("FCC" or "Commission") on August 5, 1999. The OCA is designated by Pennsylvania state law to represent public utility ratepayers before the Pennsylvania Public Utility Commission, federal agencies and state and federal courts. The OCA is actively involved in representing consumer interests in telecommunications issues in these venues. In particular, the OCA has represented the National Association of State Utility Consumer Advocates in the Number Resource Optimization Working Group in drafting the North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Methods which was

submitted to the Common Carrier Bureau on October 21, 1998.¹ The OCA is, therefore, familiar with the issues contained in the Wisconsin Petition.

Because the Wisconsin Petition has important generic implications, the OCA submits these Comments to support the Wisconsin Petition which the FCC summarized in the Public Notice of August 12, 1999 as follows:

On August 5, 1999, the Public Service Commission of Wisconsin (Petitioner) filed a petition requesting authority to implement various number conservation measures. The Petitioner specifically requests authority to: (1) enforce current standards for number allocation, or to set and enforce new standards; (2) order efficient number use practices within NXX codes; (3) order the return of unused and reserved NXX codes (and thousand blocks if number pooling is implemented); (4) order number utilization and forecasting reporting, and audit such reporting; (5) investigate and order unassigned number porting; (6) investigate and order additional rationing measures; and (7) implement mandatory thousand blocks number pooling.

Petitioner states that this request will help to conserve telephone numbers without anticompetitive consequences and without favoring one type of provider or technology over another. Petitioner further states that the additional authority requested will protect Wisconsin telecommunications consumers and companies from the ordeal and expense of repeated area code relief measures.

Notice at 1. The OCA supports the Wisconsin Petition and submits that the FCC should allow the Public Service Commission of Wisconsin ("Wisconsin PSC"), and other state commissions, additional authority to implement number conservation measures. In support, the OCA files these Comments.

¹ The OCA worked with many other parties through the Number Resource Optimization Working Group ("NRO-WG") to develop the initial report later approved by NANC.

II. Summary

The OCA submits that the FCC should quickly take action to forestall or eliminate the premature exhaust of the North American Numbering Plan ("NANP"), and slow the introduction of new area codes as the costs to consumers increase rapidly with each successive area code application. The NANP allows customers to be called throughout the United States by a three digit area code and a seven digit telephone number. As area codes continue to be distributed at a rapid rate, this numbering system is increasingly at risk. The rapid growth in demand for new area codes is a symptom of underlying inefficiencies in the manner in which numbering resources are currently allotted. If these inefficiencies continue, the long-term viability of the NANP could be undermined. Furthermore, the restrictions the FCC has placed upon state actions in this area have had a chilling effect on states. This has hurt conservation efforts on a national basis and increased the need for speedy action in order to implement effective number conservation actions.

With the accelerating growth of multiple providers under the Telecommunications Act of 1996 ("the Act"), the traditional mode of assigning telephone numbers in blocks of 10,000 for each carrier per rate center is forcing a rapid, unnecessary and costly depletion of telephone numbers across the country. Additionally, the inefficient use of those blocks of 10,000, or NXXs,² has exacerbated the depletion of telephone numbers. Many consumers have expressed their outrage that area codes have proliferated with little apparent management or control. The costs to consumers, as a result of this lack of effective controls, in terms of the addition of new area codes or the

² An NXX is the number of an exchange; i.e., a block of 10,000 numbers in an area code. Similarly, an NPA is a numbering plan area, or area code. Together, an NPA and an NXX identify a telephone number as NPA-NXX-XXXX.

implementation of 10 or more digit dialing, are enormous. The industry must deal with the serious area code problem that exists in an expeditious and thorough manner in order to complete national pooling and other solutions as soon as possible. The OCA submits that the longer the area code crisis is left unresolved, the greater jeopardy the NANP is placed in and the higher the cost becomes to consumers.

In Wisconsin, consumers are not immune to the consequences of area code proliferation. The Wisconsin PSC shares in the frustration of many state public utility commissions across the country in not being able to adequately address this issue. Wisconsin at 3. In fact, area codes in Wisconsin are consistently being exhausted well in advance of their initial projected date. Id. at 2-4. The Wisconsin Petition indicates that the numbering problems in Wisconsin are enormous and the existing mechanism for coping with such problems are clearly inadequate. Id. at 9. The Wisconsin PSC has shown great foresight in the steps it has already taken to slow the exhaust of current area codes in Wisconsin as well as the steps it proposes to take to slow the exhaust of future area codes if the Wisconsin Petition is approved. The OCA submits that the FCC should grant the Wisconsin Petition so that consumers in Wisconsin can be relieved of the confusion and disruption caused by area code proliferation.

III. Comments

A. Need to Control Area Code Proliferation Through Usage of Number Optimization Methods Such As Thousands Block Pooling and Unassigned Number Porting.

The Act gives the FCC “exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States.” 47 U.S.C. §251(e)(1). However, through the Order released by the FCC in Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996,³ the FCC has delegated to state commissions portions of its number administration authority, particularly, the authority to implement area code relief. The FCC should allow the Wisconsin PSC authority to perform number optimization procedures in compliance with any guidelines or rules established in an attempt to increase the efficiency of the use of telephone numbers within existing area codes in Wisconsin.

In particular, the practice that exists today of assigning numbers, by full central office codes rather than by portions of NXXs or even individual telephone numbers, to meet new service providers’ demand for numbers threatens to exhaust existing area codes much sooner than prior projections by the North American Numbering Plan Administrator. The OCA supports the Wisconsin Petition’s request for authority to use number optimization methods such as Thousand Block Pooling⁴ and Unassigned Number Porting⁵ in conjunction with establishing number

³ Id., Memorandum Opinion and Order and Order on Reconsideration, FCC 98-224, CC Docket No. 96-98, NSD File No. L-97-42 (rel. September 28, 1998)(“Pennsylvania Order”).

⁴ Thousands Block Pooling involves the allocation of blocks of sequential telephone numbers within the same NXX to different service providers and potentially different switches which

assignment and utilization standards. The Wisconsin Petition also seeks authority to order sequential numbering within an NXX or thousands block which will help to preserve blocks of numbers for pooling. Wisconsin at 6.

The OCA submits as support for the Wisconsin Petition, and number conservation measures in general, that between 1961 and December, 1994 the number of assigned area codes in the United States increased from 118 to only 134; however, between December, 1994 to January, 1998 the assigned area codes increased from 134 to 235⁶ and requests for additional area codes continue with no end in sight. This accelerating addition of area codes was addressed by Mr. Alan Hasselwander, then Chairman of the North American Numbering Council, in an address to the Numbering Solutions 1998 Seminar. In that address he explained:

To say we have reached a crisis in numbering in the US is probably too strong a statement. But we are approaching a crisis, and one will occur if effective action is not taken now. Many states have and are facing a frequency of NPA exhaust unknown in the past, and commissions are taking the heat that goes with the costs imposed on consumers by number exhaust.

The OCA submits that Mr. Hasselwander is correct that we are at least approaching a numbering

serve customers within the same rate area. All 10,000 numbers within each NXX continue to be assigned to one rate area, but are allocated among multiple service providers at the 1,000 block level.

⁵ Unassigned Number Porting is a telephone number sharing and/or optimization method where available telephone numbers in one service provider's inventory are ported using Location Routing Number (LRN) methodologies to another service provider under the direction of a neutral third party coordinator. OCA/OPC would caution, however, that consumers have already paid for LRN and should not have to pay again.

⁶ Where Have All the Numbers Gone? Long-term Area Code Relief Policies and the Need for Short-term Reform, Economics and Technology, Inc. prepared for The Ad Hoc Telecommunications Users Committee and International Communications Association, March, 1998 at 3 ("ETI Study").

crisis, if we are not already in one. Number Pooling, Unassigned Number Porting and establishing number assignment and utilization standards would be effective means of resolving the need for additional area codes in many circumstances and provide relief for consumers from continued area code changes in Wisconsin.

The OCA proposes that the cost of frequent area code changes upon consumers are substantial and could be avoided by the use of number optimization methods in many instances. A change in a consumer's area code often requires notifying friends and businesses of that change, and also reprinting stationery, advertising, etc. If callers are not aware of a new telephone number, important calls may not be completed. Reprogramming calling data bases and alarm monitoring devices can also be expensive. The cost of reprogramming network equipment for telecommunications carriers are also considerable which could result in increased rates paid by consumers. There may also be public safety concerns due to problems in the handling of 911 calls as a result of telephone number changes. Furthermore, these real costs are exacerbated given the expected depletion of the entire NANP as early as 2007.⁷ Complete exhaustion of the NANP could result in eleven or twelve digit dialing thus causing an entirely new set of real costs to consumers as well as a massive amplification of those costs noted above.

Thus, there are real costs imposed upon the public as a result of area code changes and the Wisconsin PSC should be applauded for its efforts in wanting to conserve this resource. The OCA submits that the Wisconsin PSC should be commended in the steps it has already undertaken in an effort to conserve numbering resources as well as its foresight and willingness to implement

⁷ "North American Numbering Plan Exhaust Study," Submitted by North American Numbering Plan Administrator Lockheed Martin, April 22, 1999.

additional number conservation measures in advance of national guidelines. These factors illustrate the Wisconsin PSC's urgency in this matter and determination that Wisconsin is quickly approaching a numbering crisis.

B. Need to Control Area Code Proliferation Through Enforcement of Current Number Assignment And Utilization Standards As Well As The Implementation of Additional Management Processes.

The Wisconsin PSC recognizes that it will be able to "check the flow of a precious national resource, as well as save Wisconsin's citizens and telecommunications companies from the ordeal and expense of repeated area code relief measures" if it is granted the authority to enforce the current number assignment and utilization standards. Wisconsin at 4. The OCA supports the Wisconsin Petition's request for authority to enforce current standards for number allocation and establish additional number assignment and utilization standards, including ordering efficient number use practices within NXX's and order the return of unused and reserved NXX codes, in an effort to achieve more efficient allocation and use of numbering resources.

The OCA has frequently cautioned that whatever number optimization measures are implemented, either on a short-term or long-term basis, successful number administration requires more stringent standards for allocating numbers, as well as more effective enforcement, to ensure that the standards are met. A carrier should be required to demonstrate that its existing numbering inventory is inadequate to provide service to customers or that it has to rely on costly measures to supply service before it can receive a new NXX. At a minimum, carriers should be required to maximize the use of an NXX before another NXX is assigned. Furthermore, greater controls should be placed on the ability to reserve numbers which would further serve to make more telephone numbers available in lieu of opening a new NXX. Controls on number reservations should include,

as the Wisconsin Petition requests, effective auditing to ensure compliance with number assignment and utilization requirements as well as high “fill rates” so that most of the NXX could be utilized. The Wisconsin PSC also requests authority to reclaim unused NXX codes and thousand number blocks. The Wisconsin PSC correctly recognizes that the current system of allocating numbering resources was set up to be self-enforcing and that, although companies were to certify that they meet certain requirements, no efforts were made to verify those representations. Wisconsin Petition at 5.

The OCA submits that it is a fundamental premise that a substantial contributing factor to the pending exhaust of the NANP is the lack of uniform, planned and conservation minded set of requirements for the reservation of telephone numbers. This lack of requirements has led to inconsistent assignment and inefficient utilization of numbering resources throughout the NANP which contributes to consumers expressing their outrage that area codes have proliferated with little apparent management or control. The unrestricted manner by which telephone numbers can be reserved by service providers increases the exhaust of area codes and should cause great concern to the optimization of telephone number usage. All numbering conservation measures proposed would be of little value if carriers or customers were able to hoard or warehouse (also known as stockpile or bank) telephone numbers which is possible if there are no effective controls on the process by which telephone numbers can be reserved.

Therefore, the OCA supports the Wisconsin Petition’s request for authority to enforce current number assignment and utilization standards and order additional efficient number use practices within NXX codes, such as ordering carriers to return unused or under-utilized portions of NXX codes. In particular, the Wisconsin PSC should be allowed to establish fill rates and needs-based criteria for the acquisition of additional codes. The Wisconsin PSC should also be allowed to

establish mandatory number utilization reporting requirements and procedures to audit carrier utilization reports. More specifically, the Wisconsin PSC should use Line Number Utilization Survey (LINUS) and Central Office Code Utilization Survey (COCUS)⁸ reporting which should be updated more frequently than annually so that a more current basis for planning area code relief could be provided. Finally, the Wisconsin PSC should be able to order the NANPA to reclaim codes which are being used in violation of FCC guidelines or state law including codes that have not been put in service within the time provided.

C. State Role In Number Optimization Implementation

The OCA agrees with the Wisconsin Petition that states should have a strong role in numbering even when additional national guidelines are put in place. Wisconsin at 5. Number optimization methods, such as Thousands Block Pooling, Unassigned Number Porting and Rate Center Consolidation,⁹ should be subject to only general federal guidelines as approved by the FCC. Such guidelines should not restrict states in their implementation of number conservation methods but allow states to use the methods best geared toward resolving their local concerns leaving it entirely to the state commissions when and how to address their individual situations. The FCC

⁸ The OCA is familiar with COCUS and LINUS issues through its involvement in the NROWG as discussed above in the Introduction. The OCA recognizes that the NROWG is working on revisions to COCUS which will be reviewed by the North American Numbering Council. The OCA submits the Wisconsin PSC should also be able to use this hybrid plan upon approval.

⁹ Rate Center Consolidation can be used so that the number of rate centers could be reduced by combining or collapsing several existing rate centers into fewer rate centers which would maintain both the current call-routing and call-rating methods. This assumes that an NPA/NXX code need not be used to identify more than one switch so that carriers that have more than one switch in a consolidated rate center can still be assigned NPA/NXX codes at the switch level. Rate Center Consolidation, however cannot substitute for other number resource conservation measures.

should generally permit states to implement number optimization methods where states decide this is appropriate. Additionally, in response to the FCC's Pennsylvania Order involving area code relief, the OCA submits that states should not be forced to individually petition and wait for the Commission to act before any number optimization actions are permitted. If general guidelines are developed in advance, such methods would then be available for state use whenever any such request is made. Implementation of these number conservation measures would increase efficiency and competitiveness in the telecommunications marketplace and should not be delayed until jeopardy or near-jeopardy situations appear.

The Wisconsin PSC and Wisconsin consumers have seen the acceleration of the depletion of their numbering resources as area codes in Wisconsin have exhausted well in advance of their projected exhaust dates. Wisconsin at 3. This despite the proactive stance the Wisconsin PSC has taken to address this situation including conducting various investigations of the need for area code relief on several occasions, attempting voluntary pooling trials and beginning discussions with the industry regarding rate center consolidation. Despite these efforts, Wisconsin continues to see the introduction of new area codes because of the inefficiencies in the current numbering administration system and the unwillingness of the industry to voluntarily change their practice of number assignment. The OCA believes the Wisconsin PSC should be allowed to determine what is best for it to relieve the strain on Wisconsin consumers created by area code exhaust.

The OCA cautions against FCC guidelines which would unduly restrict how number optimization measures can be implemented. States should be able to customize these optimization efforts to their own unique circumstances. Without additional authority, states are frustrated in efforts to timely address needed NPA relief before the costs to consumers increase. This authority

needs to come in the form of both the ability to implement additional number optimization methods and to adopt enforcement mechanisms and audit requirements to achieve more efficient allocation and use of already existing numbering resources. The increasing rate of number assignments is problematic and that states' ability to implement number conservation measures and to explore alternatives to the current inefficient number assignment process are necessary to adopt more effective area code relief. Therefore, the OCA supports the Wisconsin Petition's request for additional delegated authority to implement the measures discussed in the Wisconsin Petition to ensure more effective numbering resource utilization.

IV. Conclusion

The Pennsylvania Office of Consumer Advocate requests the Federal Communication Commission to review these Comments as it considers what actions to take concerning the Public Service Commission of Wisconsin's Petition for Delegation of Additional Authority To Implement Number Conservation Measures. The OCA submits that the Wisconsin Public Service Commission is in the best position to evaluate the specific circumstances in Wisconsin and establish appropriate criteria for the acquisition and utilization of number resources at this time.

Respectfully submitted,



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Assistant Consumer Advocates

For: Irwin A. Popowsky
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Dated: September 13, 1999

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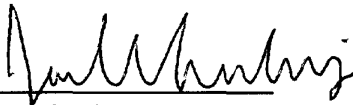
BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of	:	
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Common Carrier Bureau Seeks Comment On	:	NSD File No. L-99-64
The Public Service Commission of Wisconsin's	:	
Petition for Delegation of Additional Authority	:	DA 99-1606
To Implement Number Conservation Measures	:	

I hereby certify that I have this day served a true copy of the foregoing document,
Comments, upon parties of record in this proceeding.

Dated this 13th day of September, 1999.

Respectfully submitted,



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Assistant Consumer Advocate

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